



Bob Neill MP
Chair, Justice Committee
House of Commons
London
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Dear Bob

EVIDENCE SESSION FOLLOW-UP

Thank you for your letter of 12 March setting out the Justice Committee's further questions following my attendance at the Evidence Session on Wednesday, 7 March. I was grateful for the opportunity to appear before the Committee, and found our discussion helpful.

My responses to your request for further information are set out below.

a) Unified Patent Court Agreement

In view of the tighter deadline, I have responded separately to your query about ratification of this agreement before the European Council.

b) You said that you hope to be able to say something in the 'near future' on blocking mobile phones – we would welcome any updates you are able to give us as they become available.

I am committed to taking action to stop the illicit use of mobile phones in prisons to continue criminality and enable dangerous criminals to continue to heap misery on our communities. HMPPS continues to invest in a variety of security and technological solutions to that end, which I fully support. At this time, however, I am unable to provide you with further information due to security reasons.

c) You undertook for your officials to work with the Committee to provide regular data on time prisoners spend out-of-cell – we would be keen to start working with the Ministry on this as soon as possible and would give consideration to receiving some of this information in confidence.

The Ministry does not currently collect or hold specific data on the amount of time prisoners spend out of cell. The Ministry uses a combination of other metrics for assessing prisoners' time out of cell, such as the number of prisoners completing accredited programmes in custody, the number of hours worked in prison industries, and the number of offenders released from prison on a temporary licence. We publish data relating to these separate metrics on either an annual or quarterly basis.

In a previous response to the Justice Committee, we shared our intention to develop a measure for time out of cell. So far, our attempts to develop a robust measure of prisoners' time spent out of cell have found that it would place too heavy a burden on individual prisons to provide the relevant data on a regular basis. This in turn increases the risk that data might be incomplete or inaccurate. Similarly, any

attempts to date to develop technology to capture prisoners' time spent out of cell accurately have proved disproportionately costly.

We are currently exploring alternative options for measuring prisoner time out of cell, including working with HM Inspectorate of Prisons to understand the methodology it uses to examine prisoner time out of cell during inspections. We will provide the Committee with an update on the position in six months.

d) Can you give us more detail on the efficiencies identified by the Ministry to meet the additional £11 million required to pay the prison officer salary bill?

The Ministry had already budgeted for a 1 per cent increase in the prison officer salary bill in 2017/18. The decision was made to accept the PSPRB's recommendations in full and the additional 0.7 per cent was met within the HMPPS budget through managing spending tightly. In addition, we had underspent slightly on recruitment as a consequence of having not initially recruited prison officers as quickly as expected. Despite that slower start, we are due to meet the target to recruit 2,500 prison officers by the end of 2018 nine months ahead of schedule.

e) You told us that 'before very much longer' you would be publishing an education and employment strategy – we would welcome any updates you are able to give us, including an approximate publication date, as they become available.

We hope to publish the Education and Employment strategy by the end of May. We commit to updating the Justice Committee as soon as more information is available.

f) Which Ministers will sit on the cross-government task force on reoffending?

The seriousness of the impact of reoffending cannot be denied, and we estimate that it costs society around £15 billion each year. I believe that it is only by constructive cross-government working that we will be able to help ex-offenders secure employment, appropriate accommodation, access to treatment for drug addictions and support for their mental health issues. Further details will be announced in due course, and I will ensure that the Justice Committee is informed at the earliest opportunity.

g) When you have reviewed the timetable for undertaking the post-implementation review of LASPO, the Committee would appreciate if you could provide the new timetable to it.

I announced at our meeting that I have commenced the external engagement phase of the post-implementation review of LASPO. I have asked officials to engage with a wide range of stakeholders through various mechanisms. The first of these will involve jurisdiction-specific consultative group meetings beginning next month. The evidence gathering process will continue throughout the summer and will seek to provide additional information to our internal evidence base. A dedicated mailbox is available for the submission of analytical evidence. It is my intention that this work will be completed by the end of the year.

h) How much does the ministry expect to save over the five-year facilities management contracts?

As stated in the 2016-17 National Offender Management Service Annual Report, the contracting exercise "exposed that historically the costs of maintenance and services were not clearly understood by the business and consequently planning assumptions have not held true". Anticipated efficiency savings have therefore not been achieved.

i) When it is available, could you share with us the costs the Ministry has incurred as a result of the collapse of Carillion?

It is too early to say what the exact additional costs are to HMPPS as a result of the collapse of Carillion. Details are still being collated. As of the end of February, HMPPS was forecasting additional costs amounting to £6 million, directly related to the Carillion liquidation on 15/01/18. We expect that this figure will rise.

j) Would you be able to provide us with any further detail on, or a copy of, 'Justice 2030', to which you referred in the evidence session?

As I mentioned at the evidence session, we are currently undertaking a project to create an in-house vision of what our operating environment could look like in the future: *Justice 2030*. This project will consider cross-cutting trends, including technology, demography and socioeconomic change. Through understanding the drivers of change between now and 2030, we will be able to develop a long-term strategy to maximise the potential opportunities and mitigate against the risks presented by the future. Officials would be happy to meet the Committee to discuss this project in greater detail

k) What are the projected running and maintenance costs for the rest of this Parliament across the prison estate?

The anticipated costs are still in the Ministry's Medium Term Financial plan at this stage and have not yet been confirmed. We will advise the Committee as soon as confirmed figures are available.

l) How has the Ministry learnt from the planning, building and operation of HMP Berwyn for future prison estate management?

I think it is also important to bear in mind that lessons learned from previous prison openings fed into the process applied with HMP Berwyn, which opened on time and to budget. I have addressed the issue of the lessons learned in greater detail in Annex A, appended to this letter.

m) Recruitment of the Prison and Probation Ombudsman

The recruitment of the Prisons and Probation Ombudsman is being managed by the Ministry's central Public Appointments Team and will follow the Cabinet Office's *Governance Code on Public Appointments*. I have approved the full recruitment plans in line with that code, including the use of an external recruitment consultant to search for potential candidates to help ensure a strong and diverse field. Neither I nor my ministerial team have held conversations with any candidates at this stage. I will, however, meet those candidates found appointable by the Advisory Assessment Panel prior to making an appointment.

Full due diligence, incorporating internet and proportionate social media searches, will be undertaken by both the Public Appointments Team and, for those candidates which they identify, the external recruitment agency. Any information found will be shared with the Advisory Assessment panel so that it can raise and discuss these matters with candidates at interview. Details will be included in the Chair's report of the campaign, which Ministers take into account when reaching final decisions on appointment.

I hope that my response is helpful, but please do let me know if you need any further information.

Yours ever


RT HON DAVID GAUKE MP

ANNEX A

How has the Ministry learnt from the planning, building and operation of HMP Berwyn for future prison estate management?

The delivery of the Berwyn project included a 'lessons learned' process throughout all stages. Lessons learned were recorded independently by the operations team and the design and construction (client and contractor partnership) team with joint workshops held at key milestones. Academic input was also involved.

The design and construction team used an iterative process to record findings throughout the project lifecycle. The lesson learned log identifies learnings against key topics, as follows:

1. design approach - provision and location of staff facilities; agile/flexible use of space; storage space; resilience of building types; digital technology;
2. stakeholder input - identifying key challenges from specific third-party service providers; achieving a consistent approach to stakeholder requirements; establishing the need for early stakeholder input to the design; and
3. detailed design and technical standards - wall finishes; roof pitch and overhang; use of window grilles; cell ventilation; manhole designs; electrical installation; pre-cast concrete and standardised construction.

The detail from each of the above has been fed into the planning and development of the design process for the new prisons. As a result, the current prison design has included, from an early stage, comprehensive stakeholder engagement through a series of workshops at each stage that will continue until project completion. The MoJ has appointed an independent client design adviser to 'own' and uphold the quality and consistency of the design throughout. The specifics of detailed design/technical standards feedback had been considered throughout the process and integrated, where appropriate, into the new prisons category C design.

Other lessons include:

1. a design adviser appointed, at project initiation, to develop concept design (including academic research input);
2. technical standards continue to be reviewed and updated to provide new category C requirements and adapt from Berwyn lessons;
3. stakeholder input at all design stages is key from a number of specialist interest groups including private and public operators; a Governor reference group; staff; prisoners; families; third party providers; facilities management; community rehabilitation companies; charities; academic research including architectural psychologists. This includes a specialist reference group in the stakeholder design workshops with sign off to standard design (for example NHS Wales); and
4. future prison designs should ensure that sufficient staff facilities – including but not limited to catering, toilet, shower, gym, office, parking, break and meeting facilities – are further factored into the design.

From an operational stance lessons learned include:

1. the early appointment of an operator with a dedicated, responsible senior manager and team gives a greater sense of ownership and can help develop both the use of the design as well as setting the culture;
2. having a measured ramp up plan of prisoners. This is a lesson learnt elsewhere – a planned ramp up of prisoners is essential. Flooding a new prison staffed with inexperienced staff is unlikely to be successful;
3. making sure all partners are aligned to the planned ramp-up and opening. This is crucial for services such as health care;
4. ensuring the operator has a clear vision and priorities and communicating these will, ensure that staff understand the part they play in achieving the priorities;
5. engaging the local community as early as possible so the purpose of the prison is understood – this includes emphasising the benefits to the local economy;
6. ensure early engagement with stakeholders and partners as they are essential to the smooth operation of the prison;
7. having in-cell telephone and basic IT is very important to the men in helping maintain family contacts and freeing staff up for more personal and meaningful contacts;
8. getting the simple things right and ensuring that new inexperienced staff are confident in doing these;
9. choosing the first 100 or so prisoners carefully – there is a need to ensure essential prisoners such as listeners and kitchen workers in place when you open;
10. appoint experienced operational staff mentors for new staff; and build positive trade union relationships.